

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

The Honorable Thomas S. Zilly

MAY 23 2002 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

CV 01-01081 #00000046

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MUIO TRAN, KIM CUC NGUYEN, NHU
HUU TRAN, a minor child, LOAN HUU
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al ,

Defendants

No. CO1-1081-Z

DECLARATION OF TODD C
HARRIS IN SUPPORT OF
SUMMARY JUDGMENT

TODD C. HARRIS declares as follows:

1. I make this declaration on the basis of personal knowledge and am
competent to testify to the matters herein

2. I am a police officer with the Seattle Police Department and was so on
July 19, 1999.

3. On July 19, 1999, I was working as a uniformed officer and in marked
patrol unit with my partner, Officer Aaron Sausman. We received a "Help the Officer"
call, and were directed to go to 5101 South Orchard Street We notified dispatch that
we were on our way

DECLARATION OF TODD C. HARRIS IN
SUPPORT OF SUMMARY JUDGMENT. 1

M:\CLIENTS\3019\22003\FEDERAL PLEADINGS\HARRIS DECL DOC

STAFFORD FREY COOPER
Professional Corporation

ATTORNEYS
2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL. (206) 623-9900

ORIGINAL

46

1 4. I was driving. When we reached the intersection of Rainier and Orchard, I
2 came to a stop and Officer Sausman exited the vehicle. I could see that we were the
3 first officers to arrive.

4 5. After I parked the car, I followed Officer Sausman into the house. I
5 observed Officer Little on the ground wrestling with a large Asian male, who was later
6 identified as Muio Tran. Officer Sausman went to assist Officer Little, so I went to find
7 Officer Waldorf.

8 6. I found Officer Waldorf in the kitchen, wrestling on the ground with another
9 Asian male, who was later identified as Hoa Tran. There was broken glass on the
10 kitchen floor as well as pots and pans. I noted that all of these items were potential
11 weapons. It was evident that Hoa Tran needed to be subdued to protect not only
12 himself, but my fellow officers as well.

13 7 I tried to assist Officer Waldorf. Hoa Tran continued to struggle and resist.
14 He was actively trying to break out of Officer Waldorf's grasp. I attempted to grab Hoa
15 Tran and to place a handcuff on his wrist. I yelled for him to place his hands behind his
16 back, which he refused to do. He kept trying to break free and to resist my attempts to
17 place handcuffs on him. I warned him that if he continued to resist, I would be forced to
18 spray him with pepper spray. He still continued to struggle, so I did spray him, which
19 had no effect on him. Hoa Tran continued to resist arrest. Ultimately, Officer Waldorf
20 was able to place handcuffs on one of his wrists and we were then able to get his other
21 arm behind his back to attach the second cuff.

22 8. As a result of the struggle, I sustained a scratch and a cut on my left wrist.
23

DECLARATION OF TODD C. HARRIS IN
SUPPORT OF SUMMARY JUDGMENT - 2

M:\CLIENTS\3019\22003\FEDERAL PLEADINGS\HARRIS DECL.DOC

STAFFORD FREY COOPER
Professional Corporation

ATTORNEYS

2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL. (206) 623-9900

1 9. As for the plaintiffs in this action, I never interacted with them. My efforts
2 were focused on aiding Officer Waldorf in his struggle with Hoa Tran.

3 10. In trying to defend myself and the other officers, I used the least amount of
4 force possible, even though I believe the circumstances justified my using a greater
5 amount of force. I reasonably believe that I acted reasonably under the facts and
6 circumstances known to me at the time of this incident.

7 I CERTIFY under penalty of perjury under the laws of Washington State that the
8 foregoing is true and correct.

9 DATED this 23rd day of April, 2002.

10
11 
12 Todd C. Harris

13
14
15
16
17
18
19
20
21
22
23
DECLARATION OF TODD C. HARRIS IN
SUPPORT OF SUMMARY JUDGMENT. 3

DECLARATION OF TODD C. HARRIS IN SUPPORT OF SUMMARY JUDGMENT. 3

STAFFORD FREY COOPER

ATTORNEYS

2500 PARKER TOWER
1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TEL (206) 623-9900